mpt IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3027 OF 2007

Shaikh Shabnam Iqbaluddin .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.M.K. Kocharekar for the applicant.

Mr.K.V. Saste APP for the State.

Miss Manisha Dabhade for respondent no.2.

CORAM : D.G.KARNIK, J

DATED : 06th December 2007

P.C.:

1. Heard learned counsel for the petitioner, learned APP for the State, and learned counsel for respondent no.3 complainant.

2. The petitioner was employed in the complainant institute of Hotel Management and Catering Technology. The petitioner was receiving fee in cash from the students and used to pass on receipts. The fee received was to be remitted by

demand draft partly to the University and partly to the head office of the institute as mentioned in the complaint. It was noticed that there was a shortage of cash of about 14 lakhs of rupees. The complaint was therefore lodged to the police.

3. The case of the petitioner is that the cash was not lying with her but she used to give the cash everyday to the Chief Accountant Mr.Patwekar. Mr.Patwekar has stated that cash has been missing from the petitioner. Cash was not with him. He stated that petitioner appears to have given the said cash to her boyfriend.

4. The police wants to investigate the matter. The needle of suspicion is directed against the petitioner and Mr.Patwekar. In the circumstances, according to the learned APP, it is necessary to have custody of the petitioner for custodial interrogation.

5. Since the investigation is in progress and since there is a prima facie material on record showing that the cash was received by the petitioner who has also issued receipts to the students in my view, custodial interrogation of the petitioner appears necessary. In the circumstances, the petitioner cannot be granted anticipatory bail at

this stage. Anticipatory bail application is accordingly rejected.

6. It is clarified that all observations made herein are only for the purpose of consideration of the anticipatory bail application. In the even of arrest of the petitioner, the petitioner is at liberty to apply to the regular court for regular bail, which application, if made, shall be considered on its own merits.

7. Petitioner is granted time till 10th December 2007 to surrender subject to the condition that she shall not leave Thane district till then.

(D.G. KARNIK, J)